

PATENT

Atty Docket No.: 200208214-1
App. Ser. No.: 10/608,206

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks.

Claims 1, 8, 16, and 39 have been amended and Claims 6, 7, and 19-21 have been canceled without prejudice or disclaimer of the subject matter contained therein. Therefore, Claims 1-5, 8-16, 18, 22-34, 37-40, 42, 47, and 48 are pending, of which, Claims 1, 16, 33, and 39 are independent.

No new matter has been introduced by way of the claim amendments or additions; entry thereof is therefore respectfully requested.

Allowable Subject Matter

The indication that claims 33, 34, 37, and 38 are allowed is noted with appreciation. In addition, the indication that claims 4, 7, and 21 are objected to but would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims is noted with appreciation. By virtue of the amendments above, independent claim 1 has been amended to include the allowable features of claim 7 and intervening claim 6. Similarly, independent claims 16 and 39 have been amended to include the allowable features of claim 21 and intervening claims 19 and 20.

Claim Rejection Under 35 U.S.C. §103(a)

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation,

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either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 1, 11, 12, 16, 18, 22-24, 47, and 48

Claims 1, 11, 12, 16, 18, 22-24, 47, and 48 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Application Publication Serial No. 2003/0188210 to Nakazato ("Nakazato") in view of U.S. Patent No. 5,017,799 to Fishman ("Fishman") or U.S. Patent No. 3,887,842 to Owens, Jr. et al. ("Owens") or U.S. Patent No. 4,653,940 to Katsukawa ("Katsukawa"). This rejection is respectfully traversed because Nakazato, Fishman, Owens, and Katsukawa, considered singly or in combination, fail to teach or suggest the features of independent Claims 1 and 16 and the claims that depend therefrom.

As mentioned above, claim 1 has been amended herein to include the allowable subject matter of claim 7 and intervening claim 6. As such, claim 1 now includes:

determining whether placing the one or more components in a higher-power state will cause the power consumption of the at least one computer system to exceed the threshold based on the maximum power consumption of the at least one computer system;

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comparing the amount of power consumed by the at least one computer system to a second threshold; and
placing the one or more components of the at least one computer system, currently in a lower-power state, in a higher-power state, such that the one or more components consumes more power, in response to the amount of power consumed by the at least one computer system being less than the threshold and the second threshold

Independent claim 1 is allowable over the proposed combination of Nakazato, Fishman, Owens, and Katsukawa because none of these cited documents teach or suggest at least the features recited above, as noted in the allowable subject matter section of the Official Action. Therefore, withdrawal of this rejection and allowance of independent claim 1 and the claims that depend therefrom are respectfully requested.

As mentioned above, claim 16 has been amended herein to include the allowable subject matter of claim 21 and intervening claims 19 and 20. As such, claim 16 now recites:

further operable to receive messages from a cooling system and
place the one or more components of the at least one computer system in the lower-power state in response to receiving a message from the cooling system indicating that insufficient cooling resources are available for cooling the at least one computer system and place at least one of the one or more components from the lower-power state to a higher-power state in response to receiving a message from the cooling system indicating that excess cooling resources are available

Independent claim 16 is allowable over the prior art of record because none of the cited documents teach or suggest at least the features recited above, as noted in the allowable

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subject matter section of the Official Action. Therefore, withdrawal of this rejection and allowance of independent claim 16 and the claims that depend therefrom are respectfully requested

Claims 2, 3, 5, 19, 20, 39, and 40

Claims 2, 3, 5, 19, and 20 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Nakazato in view of Owens and further in view of U.S. Patent Application Publication Serial No. 2003/0015983 to Montero et al. ("Montero"). This rejection is respectfully traversed because Nakazato, Owens, and Montero, considered singly or in combination, fail to disclose all of the features of independent Claim 1 for the reasons set forth above. Therefore, claims 2, 3, and 5 are at least allowable by virtue of their dependence on allowable claim 1.

As mentioned above, claim 39 has been amended herein to include the allowable subject matter of claim 21 and intervening claims 19 and 20. As such, claim 39 now recites:

means for cooling the at least one computer system, wherein the means for cooling is operable to determine whether excess or insufficient cooling resources are available for cooling the at least one computer system and to transmit a message to the means for placing the one or more components of the at least one computer system in the lower-power state indicating whether excess or insufficient cooling resources are available for cooling the at least one computer system; and

the means for placing the at least one component of the computer system currently in a lower-power state is further operable to place the at least one component in a higher-power state, such that the at least one component consumes more power, in response to receiving the message indicating excess cooling resources being available and place the at least one

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component in the lower-power state in response to receiving the message
indicating insufficient cooling resources being available

Independent claim 39 is allowable over the proposed combination of Nakazato, Owens, and Montero because none of these documents teach or suggest at least the features recited above with respect to independent claim 39, as noted in the allowable subject matter section of the Official Action. Therefore, withdrawal of this rejection and allowance of independent claim 39 and the claims that depend therefrom are respectfully requested

Claims 6, 8, 15, and 28

Claims 6, 8, 15, and 28 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Nakazato and Owens in view of U.S. Patent Application Publication Serial No. 2001/0003207 to Kling et al. ("Kling").

Claim 8, 15, and 28 are allowable at least by virtue of their dependence on allowable claims 1 and 16, respectively, for at least the reasons set forth above.

Claim 9

Claim 9 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Nakazato and Owens in view of U.S. Patent Application Publication Serial No. 2003/0177406 to Bradley et al. ("Bradley").

Claim 9 is allowable at least by virtue of its dependence on allowable claim 1, for the reasons set forth above.

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Claim 13, 14, 26, and 27

Claims 13, 14, 26, and 27 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Nakazato and Owens in view of U.S. Patent No. 5,752,046 to Opreescu et al. ("Opreescu").

Claims 13, 14, 26, and 27 are allowable at least by virtue of their dependence on allowable claims 1 and 16, for the reasons set forth above.

Claim 42

Claim 42 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Nakazato and Owens in view of Montero and Kling.

Claim 9 is allowable at least by virtue of its dependence on allowable claim 1, for the reasons set forth above.

Claims 1, 10, 16, 25, and 29-32

Claims 1, 10, 16, 25, and 26-32 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Application Publication Serial No. 2004/0163001 to Bodas ("Bodas") in view of Fishman, Owens, or Katsukawa. This rejection is respectfully traversed because the cited references, considered singly or in combination, fail to teach or suggest the features of independent Claims 1 and 16, for the reasons set forth above.

Claims 10, 25, and 29-32 are at least allowable by virtue of their respective dependencies upon allowable claims 1 and 16. The Examiner is therefore respectfully requested to withdraw this rejection.

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Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.


Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: April 30, 2007

By

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